

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

In re: MELANIE MILASINOVICH,

Misc. No. 1:16-mc-0023 RB

General Executor Melanie Milasinovich – Grantor.

MEMORANDUM OPINION AND ORDER

On January 15, 2016, Melanie Milasinovich filed documents, a request to open a new miscellaneous case, and a \$46.00 filing fee. (Docs. 1 and 2.) On February 23, 2016, Ms. Milasinovich filed a notice of change of address to “120 Federal Place, Number 179, Santa Fe, NM Exempt.” (Doc. 3.) This is the location of the Joseph M. Montoya Federal Building & United States Post Office in Santa Fe, New Mexico. On February 23, 2016, Ms. Milasinovich filed a “notice for the praecipe and the praecipe for the closure of case no. mc 16-23.” (Doc. 4.)

A district court may dismiss a case for lack of subject matter jurisdiction on its own motion where the claims are so insubstantial, implausible, or otherwise completely devoid of merit that the case does not involve a federal controversy. *See Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 89 (1998). As the party seeking to invoke the jurisdiction of this Court, Ms. Milasinovich bears the burden of alleging facts that support jurisdiction. *See Dutcher v. Matheson*, 733 F.3d 980, 985 (10th Cir. 2013) (“Since federal courts are courts of limited jurisdiction, we presume no jurisdiction exists absent an adequate showing by the party invoking federal jurisdiction.”). None of the documents filed in this matter contain decipherable allegations that would give rise to federal subject matter jurisdiction.

Additionally, the documents filed by Ms. Milasinovich are unintelligible and do not contain a short and plain statement setting forth the grounds upon which jurisdiction rests or

demonstrating that she is entitled to relief, as required by Rule 8(a) of the Federal Rules of Civil Procedure. Because the documents are unintelligible, it is impossible to discern the nature of any claims. The Court will not comb the record or make a party's arguments for her. *See Adler v. Wal-Mart Stores, Inc.*, 144 F.3d 664, 672 (10th Cir. 1998). This matter is subject to dismissal without prejudice because the documents do not state a basis for federal jurisdiction or a cognizable claim. The Court will allow Ms. Milasinovich fourteen days to file an amended, comprehensible pleading that states a jurisdictional basis. If Ms. Milasinovich fails to file such an amended pleading within fourteen days, the Court will dismiss this action without prejudice.

IT IS SO ORDERED.



ROBERT C. BRACK
UNITED STATES DISTRICT JUDGE